

EPW

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.1238-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Nathalie JAGER LEZER ) Group Art Unit: 1616  
)  
Application No.: 10/665,007 ) Examiner: M. Lamm  
)  
Filed: September 22, 2003 )  
) Confirmation No. : 1694  
For: COSMETIC COMPOSITION )  
COMPRISING RIGID FIBERS AND )  
AT LEAST ONE COMPOUND )  
CHOSEN FROM FILM-FORMING )  
POLYMERS AND WAXES )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.98(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents and published applications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicant submits the following remarks:

1. **FR 1 529 329** - An English language translation of this document is submitted herewith.

2. **FR 2 079 785** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 3,673,160.

3. **FR 2 232 303** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. US 29,871.

4. **JP 57158714** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

5. **EP 0 360 728 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,193,918.

6. **JP 3151613** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

7. **FR 2 675 995** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,370,866.

8. **EP 0 549 494 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,756,635.

9. **EP 0 557 196 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,849,278.
10. **JP 60 09340** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
11. **JP 7 179323** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
12. **EP 0 714 653 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,725,866.
13. **EP 0 749 746 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,945,095.
14. **EP 0 749 747 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 5,851,517.
15. **JP 9 263518** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
16. **EP 0 847 752 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,649,173.

17. **EP 0 923 928 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,682,748.

18. **EP 0 930 060 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,254,877.

19. **EP 1 048 282 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

20. **EP 1 064 930 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. US 2003/0031642 A1.

21. **EP 1 066 814 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,491,931 B1.

22. **EP 1 157 683 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Published Application No. 2002/0031533 A1.

23. **EP 1 201 221 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Published Application No. 2002/0098217 A1.

24. **FR 2 816 831 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Published Application No. 2004/0076649.

25. **FR 2 816 832 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Published Application No. 2004/0076650.

26. **JP 2002 154932** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

27. **WO 02/41851 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

28. **FR 2 817 477 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

29. **Minéralogie des Argiles, S. Caillère, S. Hénin, M. Rautureau, 2<sup>nd</sup> ed. 1982 Masson, Sections 1 and 2** - This reference is cited in the specification at paragraph [0113].

30. **R. Pigeon and P. Allard, Chimie Macromoléculaire Appliquée, 40/41 (1974), pages 139-158 (No. 600)** - This reference is cited in the specification at paragraph [070]. Applicant's representatives are presently trying to obtain a copy of this reference.

31. **"Comprendre la Rhéologie - De la circulation du sang a la prise du béton" by P. Cousot and J.L. Grossiord, EDP Science, 2002, pages 16 and 17** - This reference is cited in the specification at paragraph [076]. Applicant's representatives are presently trying to obtain a copy of this reference.

32. **"Initiation a la Rheologie," G. Couarraze and J.L. Grossiord, 2<sup>nd</sup> ed., 1991, Edition Lavoisier-Tec 1 Doc.** - This reference is cited in the specification at

paragraph [078]. Applicant's representatives are presently trying to obtain a copy of this reference.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

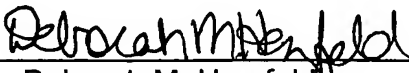
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 3, 2005

By:   
Deborah M. Herzfeld  
Reg. No. 52,211

AUG 03 2005

Complete if Known

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

3

Application Number

10/665,007

Filing Date

September 22, 2003

First Named Inventor

Nathalie JAGER LEZER

Art Unit

1751

Examiner Name

not yet assigned

Attorney Docket Number

05725.1238-00

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US-3,673,160	06/27/1972	Buisson et al.	
	2	US-3,802,841	04/09/1974	Robin	
	3	US-3,937,811	02/10/1976	Papantoniou et al.	
	4	US-29,871	12/26/1978	Papantoniou et al.	
	5	US-5,193,918	03/16/1993	Lohrmann et al.	
	6	US-5,266,321	11/30/1993	Shukuzaki et al.	
	7	US-5,330,750 A	07/19/1994	Sheard et al.	
	8	US-5,370,866 A	12/06/1994	Frankfurt et al.	
	9	US-5,472,798	12/05/1995	Kumazawa et al.	
	10	US-5,725,866 A	03/10/1998	Ramin	
	11	US-5,756,635	05/26/1998	Michaud et al.	
	12	US-5,266,321	07/21/1998	Pavlin et al.	
	13	US-5,783,657	07/21/1998	Pavlin et al.	
	14	US-5,849,278	12/15/1988	Piot et al.	
	15	US-5,851,517	12/22/1998	Mougin et al.	
	16	US-5,945,095	08/31/1999	Mougin et al.	
	17	US-6,156,325	12/05/2000	Farer et al.	
	18	US-2002 031533 A1	03/14/2002	Afriat	
	19	US-2002 098217 A1	07/25/2002	Piot et al.	
	20	US-6,491,931 B1	12/10/2002	Collin	
	21	US-2003 031642 A1	02/13/2003	Lezer	
	22	US-6,649,173	04/18/2003	Arnaud et al.	
	23	US-6,682,748	01/27/2004	De La Poterie et al.	
	24	US-2004 0076649	04/22/2004	Blin et al.	
	25	US-2004 0076650	04/22/2004	Blin et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	26	FR 1 529 329	06/14/1968	Max Factor & Co.		Yes
	27	FR 2 079 785	06/1972	ROHNE-POULENC-TEXT		
	28	FR 2 232 303	02/07/1975	Papantoniou et al.		
	29	JP 57158714	09/30/1982	Shiseido Co. Ltd.		Abstract

<b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>			
				Application Number		10/665,007	
				Filing Date		September 22, 2003	
				First Named Inventor		Nathalie JAGER LEZER	
				Art Unit		1751	
				Examiner Name		not yet assigned	
Sheet	2	of	3	Attorney Docket Number		05725.1238-00	

FOREIGN PATENT DOCUMENTS						
	30	EP 0 360 728 A1	03/28/1990	Lohrmann et al.		
	31	JP 3151613	06/27/1991	Toshiharu et al.		Abstract
	32	WO 92/05762	04/16/1992	Sheard et al.		
	33	FR 2 675 995 A1	11/06/1992	Frankfurt et al.		
	34	EP 0 549 494 A1	06/30/1993	Michaud et al.		
	35	EP 0 557 196 A1	08/25/1993	Piot et al.		
	36	JP 6-9340	01/18/1994	Kanebo Ltd.		Abstract
	37	JP 7-179323	07/18/1995	KOSE KK		Abstract
	38	EP 0 686 858 A2	12/13/1995	Tabata et al.		
	39	EP 0 577 196	01/03/1996	Mellul et al.		
	40	EP 0 714 653 A1	06/05/1996	Ramin		
	41	EP 0 749 746 B1	12/27/1996	Bara et al.		
	42	EP 0 749 747 A1	12/27/1996	Mondet et al.		
	43	JP 9-263518 A	10/07/1997	KOSE KK		Abstract
	44	EP 0 847 752 A1	06/17/1998	Arnaud et al.		
	45	EP 0 295 886 A2	12/21/1998	Harashima et al.		
	46	EP 0 923 928	06/23/1999	De La Poterie		
	47	EP 0 930 060 A1	07/21/1999	De La Poterie et al.		
	48	EP 1 048 282 A1	11/02/2000	Piot		Abstract
	49	EP 1 064 930 A1	01/03/2001	Jager-Lezer		
	50	EP 1 066 814 A1	01/10/2001	Collin		
	51	EP 1 157 683 A2	11/28/2001	Afriat		
	52	EP 1 201 221 A2	05/02/2002	Piot et al.		
	53	FR 2 816 831 A1	05/24/2002	Blin et al.		
	54	FR 2 816 832 A1	05/24/2002	Blin et al.		
	55	JP 2002 154932 A	05/28/2002	KOSE KK		Abstract
	56	WO 02/41851 A1	05/30/2002	Jager-Lezer		Abstract
	57	FR 2 817 477 A1	06/07/2002	Bouquerel et al.		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
	58	"Encyclopedia of Chemical Technology, KIRK_TTHMER," vol. 22, pgs. 333-432, 3 <sup>rd</sup> ed., 1979, WILEY.	
	59	"Mineralogie des Argiles, S. Caillere, S. Henin, M. Rautureau, 2 <sup>nd</sup> ed. 1982 Masson", Section 1.	
	60	"Mineralogie des Argiles, S. Caillere, S. Henin, M. Rautureau, 2 <sup>nd</sup> ed. 1982 Masson", Section 2.	
	61	G. Fonnum, J. Bakke and Fk. Hansen – Colloid Polymer Sci. 271, 380-389 (1993).	



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			<i>Art Unit</i>	1751	
			<i>Examiner Name</i>	not yet assigned	
Sheet	3	of	3	<i>Attorney Docket Number</i>	05725.1238-00

NON PATENT LITERATURE DOCUMENTS			
	62	KOSUGI, MASAKIE ET AL.: "Mascaras Containing Film-Forming Resins, Oils, and Fibers" retrieved from STN Database Accession NO. 136:406591 XP-002243885.	
	63	MOMOSE SHIGESADA; Patent Abstracts of Japan, Vo. 1998, No. 2, January 30, 1998 & JP 09 263518 A (KOSE CORP), October 7, 1997.	
	64	R. Pigeon and P. Allard, Chimie Macromoleculaire Appliquee, 40/41(1974), pages 139-158 (No. 600) (Cited pg. 21 of specification). We are presently trying to obtain this reference.	
	65	"Comprendre la Rheologie - De la circulation du sang a la prise du beton" by P. Cousot and J.L. Grossiord, EDP Science, 2002, pages 16 and 17. (Cited pg. 23 of specification). We are presently trying to obtain this reference.	
	66	"Initiation a la Rheologie," G. Couarraze and J.L. Grossiord, 2 <sup>nd</sup> ed., 1991, Edition Lavoisier-Tec 1 Doc. (Cited pg. 23 of specification). We are presently trying to obtain this reference.	
	67	French Search Report, FR 02 11646, Ex. R. HAUSS, June 11, 2003	
	68	English Language Derwent Abstract for FR 2 079 785	
	69	English Language Derwent Abstract for FR 2 232 303	
	70	English Language Derwent Abstract for JP 57158714	
	71	English Language Derwent Abstract for EP 0 360 728 A1	
	72	English Language Derwent Abstract for JP 3151613	
	73	English Language Derwent Abstract for EP 0 549 494 A1	
	74	English Language Derwent Abstract for EP 0 557 196 A1	
	75	English Language Derwent Abstract for JP 6009340	
	76	English Language Derwent Abstract for JP 7179323	
	77	English Language Derwent Abstract for EP 0 749 746 B1	
	78	English Language Derwent Abstract for EP 0 749 747 A1	
	79	English Language Derwent Abstract for JP 9263518 A	
	80	English Language Derwent Abstract for EP 0 847 752 A1	
	81	English Language Derwent Abstract for EP 0 923 928	
	82	English Language Derwent Abstract for EP 0 930 960 A1	
	83	English Language Derwent Abstract for EP 1 048 282 A1	
	84	English Language Derwent Abstract for JP 2002154932 A	
	85	English Language Derwent Abstract for WO 02/41851 A1	
	86	English Language Derwent Abstract for FR 2 817 477 A1	
	87	English Language Derwent Abstract for FR 2 816 831 A1	
	88	English Language Derwent Abstract for FR 2 816 832 A1	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.